

ATTACHMENT - REMARKS

Claims 15 - 28 are pending in the application. Claims 15 and 28 have been amended.

The Applicant acknowledges with appreciation the telephonic interview with the Examiner conducted on February 27, 2009, and the helpful comments made by the Examiner therein.

CLAIM REJECTIONS – 35 U.S.C. 102

Claims 15 – 18 and 20 – 27 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,363,149 (“Candelore”). This rejection is respectfully traversed, but claim 15 has been amended to further clarify the distinctions between the claimed invention and Candelore.

Claim 15

Claim 15 recites a method for controlling access to information scrambled at a broadcast center including, *inter alia*, “sending said scrambled information and periodic Entitlement Control Message (ECM) messages to at least one descrambling terminal associated with an access control module provided with a security processor, said ECM messages containing access criteria and the cryptogram of the control word, said control word and said cryptogram of the control word being changed periodically.”

In the Office Action, on page 2, in item 5, it is stated that “[t]he Applicant argues that the prior art does not teach the ECM messages contain access criteria and the cryptogram of the control word.” Reference is also made, on page 2, in item 5, to U.S. Patent No. 7,092,729 (“Fichet”) as evidence that “these two components are essential to ECM messages.”

However, it is respectfully submitted that the Applicant's arguments do not contest that the prior art teaches that ECM messages contain access criteria and a cryptogram of a control word, but that neither Candelore, nor Fichet contain a teaching or suggestion of an ECM message contain access criteria, a cryptogram of a control word and a number so that the number assigned to consecutive ECM messages forms a monotonic non-decreasing function and consecutive ECM messages with successive numbers represent a timebase formed by a plurality of individual time intervals for sending successive individual quanta of scrambled information.

Claim 15 also recites, "a) assigning a number to each ECM message, so that the numbers assigned to consecutive ECM messages form a monotonic non-decreasing function and consecutive ECM messages with successive numbers represent a timebase formed by a plurality of individual time intervals for sending successive individual quanta of scrambled information."

In the Office Action, on page 3, in item 6, it is also stated that "[t]he Examiner disagrees with the Applicant's arguments that Candelore does not teach assigning each ECM message a number certifying a monotonic non-decreasing function," as Figures 6B – 6D of Candelore are interpreted as disclosing "a number assigned to each ECM message as time related to the ECM message."

It is respectfully submitted that in Figures 6B - 6D of Candelore, the fields "time X," "time X+1" are not a number assigned to each ECM message, but correspond to a give time period of validity of a service key, which can be modified every month (col. 10, line 44). The fields "time X," "time X+1" are not identifiers of the ECMs, but are periods of validity (in months) of the ECMs.

Further, while it is not contested that the "number assigned to the ECM message," as recited in claim 1, may be a timestamp, it is respectfully submitted that the claim must be read as a whole, and that Candelore does not contain a teaching or suggestion of: detecting the number; selecting the number of an ECM message corresponding to a sending time of a user request; defining a time range $[t_d::t_f]$ of the scrambled content according to the sending time of the user request; and applying specific access criteria to the defined time range, and, when outside this time range, applying other access criteria (all depending on the number assigned to the ECM message).

In the Office Action, on page 3, in item 7, it is further stated that:

Assuming *arguendo* that Candelore's disclosure of including time (the monotonic non-decreasing function) in the ECM's does not teach the argued limitation, the use of ascending monotonic functions for packet sequencing has been known since at least 20 August 1996 as evidenced by the abstract of U.S. Patent No. 5,548,593 to Peschi, hereinafter Peschi.

Peschi relates to the resequencing of received packets in data transmission. It is respectfully submitted that neither Candelore nor the subject application involve resequencing received packet data, and there is no known reason why one of skill in the art would apply the teachings of Peschi regarding resequencing received packet data to Candelore, or how that would result in the claimed invention including assigning a number to ECM messages for use in identifying a portion (a period) of multimedia data to which access is controlled.

Claim 15, as amended, further recites "c) selecting the number of an ECM message, corresponding to a last processed ECM message at the sending time of said request, and constituting to constitute a time origin of said timebase."

In the Office Action, on page 4, in item 8, it is stated that:

The Examiner disagrees with the Applicant's arguments that the selected key does not depend on the sending time of the user request. Candelore teaches resolving a key for old content that was previously requested and selecting a key corresponding to the time period the old content was requested, see for example column 11, lines 50 – 65 and column 13, lines 1 – 13.

Candelore discloses that the user request requires taking into account the present time period (time X period corresponding to the lifetime of the access key to choose the adequate ECM messages corresponding to this present time period). The embodiment of Figure 6B only discloses selecting a key that corresponds to a given time period, requiring the management of a historical timeline of service keys for given time periods of validity.

Candelore does not authorize access to contents (past, present or future) based on a time range relating to a user request (i.e., an entry point in reading of the content). In other words, Candelore does not authorize access to a defined time range (i.e., a temporal sequence) of contents defined in relation to a sending time of a request (i.e., a starting point of reading the chosen contents) by the user. Thus, an advantage of the method as recited in claim 15 is that it functions in a "local mode" and does not, as in Candelore, require the management of a historical timeline of services keys according to the date of the contents. In other words, Candelore applies time linearly and absolutely, while the recited invention has its time of origin based on the time that the user requests content.

Further, it is noted that if one wishes to regularly change or modify the service key in the course of time, the methodology of Candelore could complement the method

recited in claim 15. However, it is respectfully submitted that the methodology of Candelore does not anticipate the method recited in claim 15.

Additionally, Candelore resolves later access to recorded contents by relocating or finding again the service key which was used at the time corresponding to the encryption of the contents, resulting from systematic modification of the service key in time. To avoid storing all service keys and their periods of validity, according to the present invention, the modification of service keys in the course of time can be carried out with a pre-established derivation link between successive keys. This allows the retrieval of past service keys and obtaining the encryption of the control word with a minimum of service keys to store or elements to transmit to authorize later access to recorded contents.

Claims 16 – 18 and 20 – 27

Claims 16 – 18 and 20 – 27 depend from claim 15, and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 15.

CLAIM REJECTIONS – 35 U.S.C. 103

Claims 19 and 28

Claims 19 and 28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of U.S. Patent Application Publication No. 2002/0076050 (“Chen”). This rejection is also respectfully traversed.

Claim 19 depends from claim 15, and claim 28 incorporates claim 15.

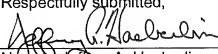
It is acknowledged in the Office Action that “Candelore does not teach that each number [assigned to an ECM message] is defined by a timestamp, each step being

defined by the time range represented by two separate timestamps." (page 11, in item 25) However, it is alleged in the Office Action that Chen discloses such limitations.

It is respectfully submitted that Chen does not overcome the deficiencies of Candelore described above, and, therefore, that the recited invention is allowable over the combination of Candelore and Chen.

Further and favorable action is respectfully solicited.

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Respectfully submitted,

Signed By _____
Attorney of Record Name: Jeffrey A. Haeberlin
Registration No.: 40,630

STITES & HARBISON PLLC • 1199 North Fairfax St. • Suite 900 • Alexandria, VA 22314
TEL: 703-739-4900 • FAX: 703-739-9577 • CUSTOMER NO. 881